

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

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|--------------------------|---|-------------------------------|
| CLIFTON DONELL LYLES,    | ) | C/A No.: 4:14-cv-1063-TMC-TER |
|                          | ) |                               |
| Petitioner,              | ) |                               |
|                          | ) |                               |
| vs.                      | ) | ORDER                         |
|                          | ) |                               |
| WARDEN CECILIA REYNOLDS, | ) |                               |
|                          | ) |                               |
| Respondent.              | ) |                               |
|                          | ) |                               |

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This matter is before the court on a motion filed by Petitioner to amend his petition. (Doc. #35). Respondent filed a response in opposition. (Doc. #36). Petitioner filed a reply to Respondent's response. (Doc. #38).

Petitioner filed his petition on March 24, 2014. Following several extensions of the time to respond, Respondent filed a Return and Motion for Summary Judgment on September 5, 2014. Petitioner filed his response to the motion for summary judgment on October 7, 2014, and the motion to amend presently before the court on October 30, 2014. Based on the record presented, including but not limited to, claims Petitioner seeks to assert based on Martinez v. Ryan, — U.S. —, 132 S.Ct. 1309, 182 L.Ed.2d 272 (2012), Petitioner's motion to amend is granted and he is allowed twenty (20) days from the date of this order to file one concise proposed amended petition containing all issues to be addressed by this court. Respondent's motion for summary judgment (Doc. #26) is deemed moot with right to refile after the amended petition is filed.

IT IS SO ORDERED.

January 26, 2015  
Florence, South Carolina

s/Thomas E. Rogers, III  
Thomas E. Rogers, III  
United States Magistrate Judge